

MINUTE ITEM:
This Calendar Item No. 55
was approved as Minute Item
No. 55 by the State Lands
Commission by a vote of 3
to 0 at its 7/10/89
meeting.

CALENDAR ITEM
55

07/10/89
W 24266 PRC 7320
Martinez

A 70
S 37

MAINTENANCE DREDGING PERMIT

APPLICANT: County of Orange
Harbors, Beaches and Parks Department
Attn: Tom Rossmueller
10852 Douglass Road
Anaheim, California 92806

AREA, TYPE LAND AND LOCATION:
Granted mineral reservation lands in Dana Point
Harbor, Orange County.

LAND USE: Dredge a maximum 33,000 cubic yards of material
from within Dana Point Harbor for the purpose
of maintaining navigability. The material will
be used for beach replenishment (10,000 cu.
yds.) and offshore disposal at EPA approved
disposal site LA-3 (23,000 cu. yds.).

TERMS OF PROPOSED PERMIT:
Initial Period: One year beginning July 1,
1989.
Royalty: No charge because the project
is for public benefit.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:
Filing fee has been received.

STATUTORY AND OTHER REFERENCES:
A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
B. Cal. Code Regs.: Title 2, Div. 3; Title
14, Div. 6.

AB 884: 12/22/89.

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The following information is being provided to you for your information only. It is not intended to be used for any other purpose.

OTHER PERTINENT INFORMATION:

1. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et. seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is staff's opinion that the project, as proposed, is consistent with its use classification.
2. Bioassay/Bioaccumulation/Bulk chemical analyses and geotechnical analyses of the sediments have been conducted and reviewed by the Corps of Engineers and the Water Quality Control Board. A portion has been found suitable for beach replenishment with the remainder being suitable for offshore disposal as proposed.
3. The California Coastal Commission, a "functional equivalent agency" under Section 21080.5 of the CEQA has:
 - a. served as the lead agency under CEQA;
 - b. considered the project described therein; and
 - c. found that the project, as proposed, will not have a significant effect on the environment.

Under Section 15252 of the CEQA Guidelines, the State Lands Commission may use the environmental analysis made by the California Coastal Commission in its consideration of this project.

Authority: Section 21083 and 21087 of the CEQA.

No local approvals are required.

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FURTHER APPROVALS REQUIRED:

United States Army Corps of Engineers,
San Diego Regional Water Quality Control Board,
California Coastal Commission - San Diego
Region.

EXHIBITS: A. Vicinity and Site Map.
B. Dredging Permit.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE CALIFORNIA COASTAL COMMISSION, A FUNCTIONAL EQUIVALENT AGENCY UNDER SECTION 21080.5 OF THE CEQA, HAS CONSIDERED THE PROPOSED PROJECT AND DETERMINED IT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
2. FIND THAT THE COMMISSION HAS CONSIDERED THE INFORMATION CONTAINED IN THE ENVIRONMENTAL ANALYSIS PREPARED BY THE CALIFORNIA COASTAL COMMISSION AND CONCURS WITH THE CONCLUSIONS AND FINDINGS THEREIN, 14 CAL. CODE REGS. SECTION 15253.
3. AUTHORIZE STAFF TO ISSUE TO THE ORANGE COUNTY HARBORS, BEACHES AND PARKS DEPARTMENT, THE DREDGING PERMIT ATTACHED AS EXHIBIT "B". SAID PERMIT SHALL ALLOW DREDGING A MAXIMUM 33,000 CUBIC YARDS OF MATERIAL FOR ONE YEAR BEGINNING JULY 1, 1989 FROM DANA POINT HARBOR, ORANGE COUNTY, FOR THE PURPOSE OF MAINTAINING NAVIGABILITY. WHEN FEASIBLE THE SPOILS WILL BE USED FOR BEACH REPLENISHMENT, WITH THE REMAINDER BEING DISPOSED OF OFFSHORE AT THE EPA APPROVED DISPOSAL SITE LA-3. NO ROYALTY SHALL BE CHARGED BECAUSE THE PROJECT IS FOR PUBLIC BENEFIT. SUCH AUTHORIZED ACTIVITY IS CONTINGENT UPON APPLICANT'S COMPLIANCE WITH APPLICABLE PERMITS, RECOMMENDATIONS AND LIMITATIONS ISSUED BY FEDERAL, STATE AND LOCAL GOVERNMENT AGENCIES.

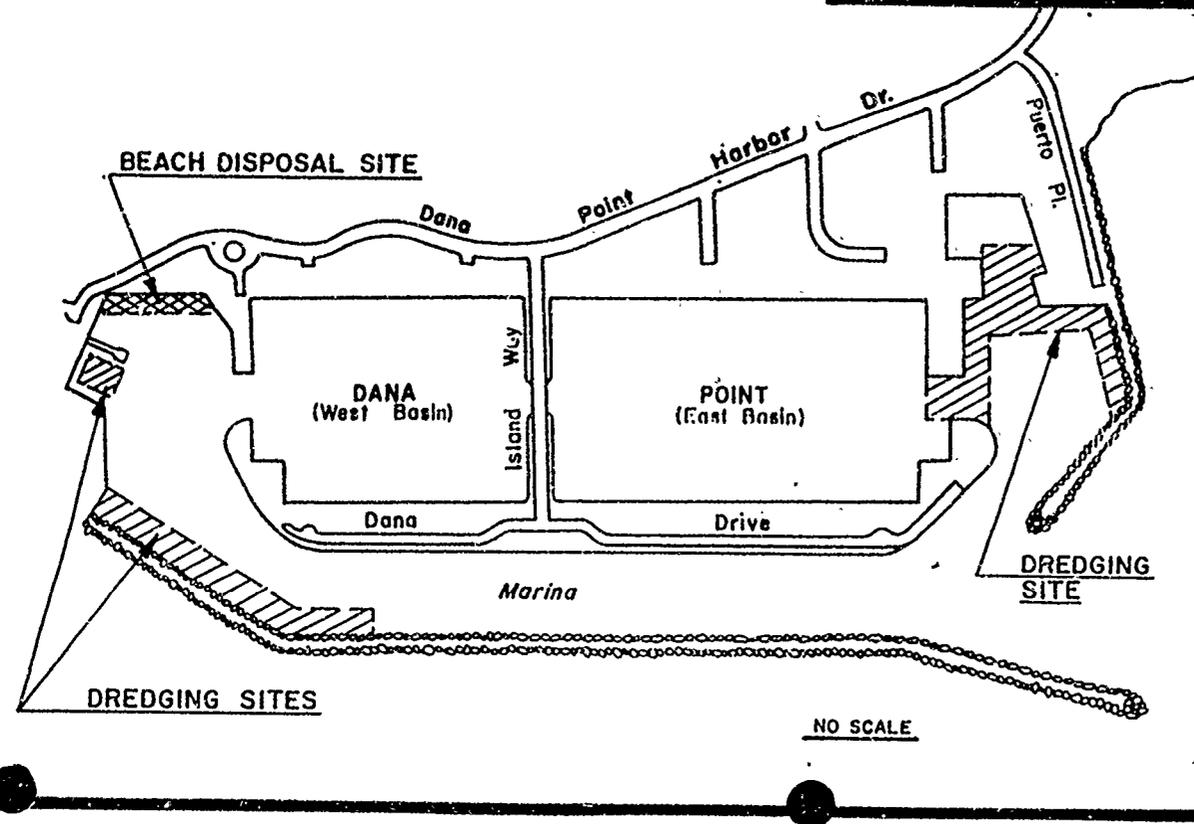
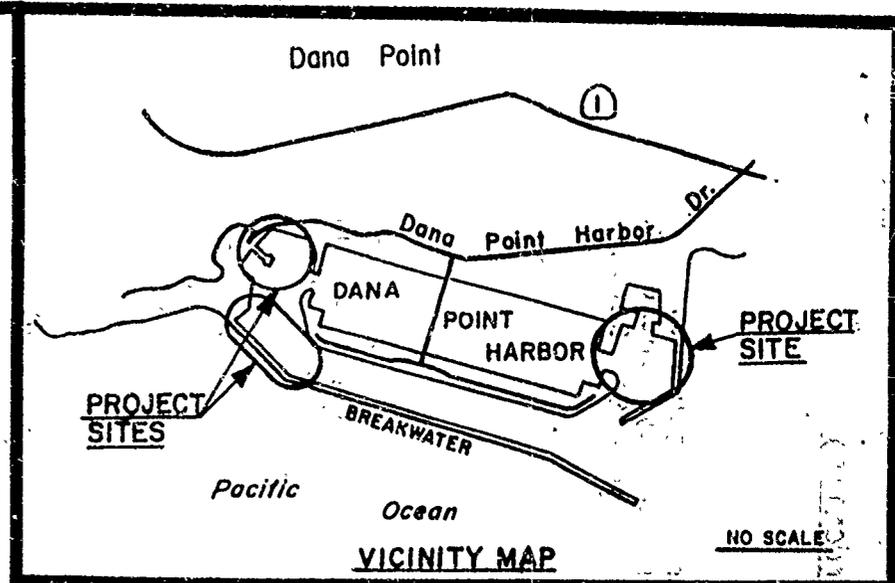


EXHIBIT "A"
APPLICATION FOR
DREDGING PERMIT
COUNTY OF ORANGE
W24266
DANA POINT HARBOR
ORANGE COUNTY



MANUTE PAGE

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STATE LANDS COMMISSION

1807 13TH STREET
SACRAMENTO, CALIFORNIA, 95814

July 11, 1989

File Ref.: W 24266

County of Orange
Harbors, Beaches & Parks
Attn: Tom Rossmueller
10852 Douglass Road
Anaheim CA 92806

Gentlemen:

Pursuant to your request and by the authorization of the State Lands Commission in July, 1989 you are hereby granted permission to dredge, during the term of the permit a maximum 33,300 cubic yards of sand, silt, clay and gravel, excluding all other minerals, including but not limited to oil, gas and geothermal from an area of granted, mineral reservation lands in Dana Point Harbor, Orange County as designated in Exhibit "A" attached hereto, which is by this reference expressly made a part hereof. Said permission includes the right to deposit the material offshore at EPA approved Disposal Site LA-3 and/or on a public beach in need of replenishment.

No royalty shall be paid for material disposed of as approved. Said permission is given on the condition that all dredging and spoils deposition shall be done in accordance with all applicable Federal, State and local government laws, rules, and regulations. Said permission shall be effective from July 11, 1989 through July 10, 1990.

It is hereby agreed that the operations authorized under this permit shall be performed with diligence, in a good and workmanlike manner, and with the use of due care and safety precautions.

It is further agreed that you shall submit copies of reports or contracts with the dredging operator substantiating the volume of materials dredged and any royalties due to the Commission on a quarterly basis, on forms supplied by the Commission (Form 30.9NC). It is agreed that you shall submit said forms on or before the fifteenth (15th) day of the month following the end of each permit quarter, together with payment for the royalty due on the volume removed during that quarter. The first permit quarter shall be the first three months following the effective date of this permit and every three-month period thereafter shall be a permit quarter.

It is hereby agreed that, pursuant to Public Resources Code Section 6224, any installments of royalty accruing under the provisions of this permit that are not paid when due shall be subject to a five percent (5%) penalty and shall bear interest at the rate of one and one-half percent (1½%) per month from the date when the same was payable by the terms hereof.

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It is agreed that you shall furnish the Commission with copies of final survey or copies of any other computations used as a basis to verify dredge volumes within twenty-five (25) days of completion of the activity authorized hereunder.

It is agreed that you shall indemnify, save harmless and at the option of the State of California, defend said State, its officers, agents and employees, against any and all claims, demands, causes of action, or liability of any kind which may be asserted against or imposed upon the State of California or any of its officers, agents or employees by any third person or entity, arising out of or connected with the issuance of this permit, operations hereunder, or the use by you or your agents, employees or contractors, of the above-described lands.

Without limiting the generality of the foregoing, such indemnification shall include any claim, demand, cause of action or liability of any kind asserted against or imposed upon the State of California or any of its officers, agents or employees, arising out of or connected with any alleged or actual violation by you, your agents, employees or contractors of the property or contractual rights of any third persons or entity. It is agreed that you shall, at the option of the Commission, procure and maintain liability insurance for the benefit of the State in an amount satisfactory to the Commission.

You agree to comply with the terms and conditions hereof, and you further agree that any violation thereof shall constitute grounds for termination of this permit and shall allow the Commission to pursue any other remedy available to it under the law. It is further agreed that this permit may be suspended, modified or terminated, whenever the State Lands Commission deems such action to be in the best interests of the State and that no such action by the Commission shall be deemed to be a basis for any claim or cause of action for damages against the State or any officer, employee or agency thereof.

STATE OF CALIFORNIA
STATE LANDS COMMISSION

W. M. THOMPSON, Chief
Extractive Development Program

Date: _____

ACCEPTED:

By: _____, Date: _____

Title: _____

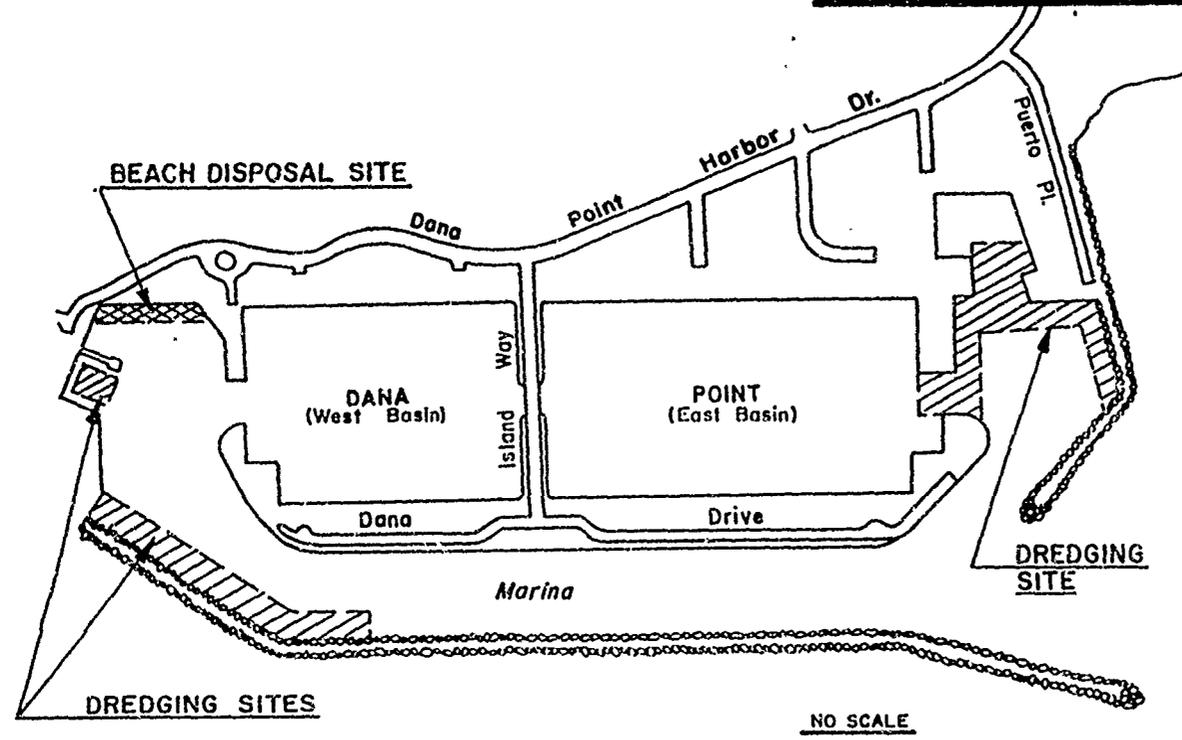
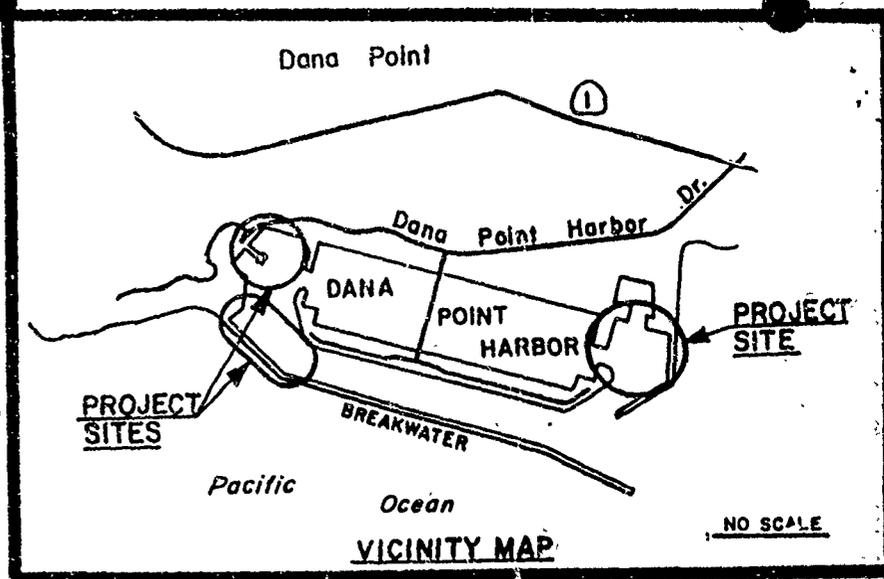


EXHIBIT "A"
 APPLICATION FOR
 DREDGING PERMIT
 COUNTY OF ORANGE
 W24266
 DANA POINT HARBOR
 ORANGE COUNTY



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